IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 25 OF 2007

WITH

CRIMINAL REVISION APPLICATION NO. 26 OF 2007

Shri Ravi Bhagawati Prasad Gupta. ... Applicant.

V/s.

Shri Deendayal Babulal Sharma and another. ... Respondents.

V.A.Jalan with B.Das for the applicant.

Y.S.Sinde, APP for the State (in Revn-25.07).

Ms.M.M.Deshmukh, APP for the State (in Revn-26.07).

CORAM: V.C.DAGA, J.

DATED: 17th July 2007.

P.C.:

. Heard learned counsel for the applicant.

2. These revision applications are directed against two separate orders, both dated 30th August, 2006, passed by the 9th Joint Judicial Magistrate, First Class, Thane in Criminal Case Nos.3049/2002 and 3051/2002 acquitting the respondent for the offence punishable under section 138 of the Negotiable

Instruments Act, 1881. The entire case revolves around the appreciation of evidence which has been properly done by the trial Court. The view taken by the trial Court is a reasonable and possible view. No perversity in appreciation of evidence could be demonstrated by the applicant.

3. This Court not being a Court of appeal cannot substitute its view in exercise of revisional jurisdiction. Revisional jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

4. In the above view of the matter, no case is made out to interfere with the impugned orders. In the result, both revision applications are dismissed with no order as to costs.

JUDGE